

**IN THE US DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

CHRISTINE PETERSEN,

ALEX M. AZAR II,
SECRETARY OF THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES,

And

UNITED HEALTHCARE,

Plaintiff,

v.

DIVERSEY, INC.

CINTAS CORPORATION NO. 2

SEALED AIR CORPORATION,

LIBERTY MUTUAL INSURANCE COMPANY,

ABC Corporation,

And

XYZ Insurance Company,

Defendants.

NOTICE OF REMOVAL

Case No. 2018-CV-000615

NOTICE OF REMOVAL

To: Kathryn P. Heyer
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*Attorney for Liberty Mutual Insurance
Company*

PLEASE TAKE NOTICE: Defendants Diversey, Inc. (“Diversey”) and Sealed Air Corporation (“Sealed Air”), through their attorney, Patrick G. Donnelly, pursuant to 28 USC §§ 1332, 1441, and 1446 and the local rules of this Court file this Notice of Removal with the Court.

Defendants submit as grounds for this Removal:

1. The basis for removal is diversity jurisdiction, 28 USC §§ 1332, 1441, and 1446.
2. Plaintiff Christine Petersen commenced this action on October 3, 2018 by filing a Complaint in the Circuit Court of Wisconsin for Walworth County, case number 2018CV000615, against Defendants Diversey, Inc., Cintas Corporation No. 2, Sealed Air Corporation, Liberty Mutual Insurance Company, ABC Corporation, and XYZ Insurance Company. (“Complaint,” attached as Ex. A).
3. Petersen served the Complaint on Diversey and Sealed Air on October 9, 2018. Neither Diversey nor Sealed Air received a copy of the Complaint prior to service on October 9, 2018.
4. Defendants Diversey and Sealed Air have not appeared or answered the Complaint.
5. Pursuant to 28 USC § 1446(b), Diversey and Sealed Air timely file this notice within 30 days after receipt of a copy of the Complaint. (See also Fed. R. Civ. P. 6(a)(1)(C).)
6. Plaintiff brings a single count against all Defendants for negligence.
7. Plaintiff contends that Defendants “were careless and negligent in the delivery, maintenance and installation of the cleaning products used in the Signet dispenser at” Plaintiff’s

employer, Geneva Java café, causing injuries. The complaint alleges that Plaintiff suffered a foot injury. Defendant's attorney Patrick G. Donnelly called Kathryn P. Heyer, attorney for the Plaintiff, to ask about the nature and extent of the Plaintiff's injuries. She relayed that Plaintiff's injuries included a change in her walking gait, which had, in turn, caused her to fall, injuring her shoulder, requiring shoulder surgery. Ms. Heyer advised the undersigned attorney that the injuries at stake are significant, life changing to the plaintiff who is in her late 60s, and include the costs of surgical repair of a should injury, which the treating physician linked to the original foot injury. Ms. Heyer affirmed that Plaintiff seeks damages in of \$75,000.00.

8. Based on these injuries described by Plaintiff's counsel, and the affirmative statement of Plaintiff's counsel, Diversey and Sealed Air assert that the amount in controversy exceeds \$75,000.00.

9. There is complete diversity of citizenship between plaintiffs and defendants in that:

- a. Plaintiff Christine Petersen is a citizen of Wisconsin
- b. Plaintiff Alex Azar, Secretary of the Department of Health and Human Services of the State of Wisconsin is a citizen of Wisconsin.
- c. Plaintiff United Healthcare is a Delaware Corporation with its principal place of business in Minnetonka, Minnesota.
- d. Defendant Diversey, Inc. is a Delaware corporation with its principal place of business in Charlotte, North Carolina;
- e. Defendant Sealed Air Corporation is a Delaware corporation with its principal place of business in Charlotte, North Carolina.
- f. Defendant Cintas Corporation No. 2 is a Nevada Corporation with its principal place of business in Cincinnati, Ohio.

g. Defendant Liberty Mutual Insurance Company is a Massachusetts corporation with its principal place of business in Boston, Massachusetts.

10. The entities in ¶¶9c.-g. are citizens of the states of their incorporation and their principal places of business. Thus, as there is complete diversity of citizenship between plaintiffs and defendants and the amount in controversy exceeds \$75,000.00, this Court would have had original jurisdiction over this matter under 28 USC § 1332, had this action been brought in federal court originally.

11. All Defendants who have been served with the summons and Complaint consent to this removal. Copies of signed consents by Cintas Corporation No2 and Liberty Mutual Insurance Company are attached to this Notice.

12. Concurrent with the filing of this Notice of Removal, Defendants, by their attorneys, have served this Notice of Removal Petition to all parties and to the Clerk of the Wisconsin Circuit Court for Walworth County, thereby providing notice that this case is the subject of a petition for removal in the U.S. District Court for the Eastern District of Wisconsin, Milwaukee division, as required by 28 U.S.C. § 1446(d).

13. A copy of all process, pleadings, and orders served upon Defendants Diversey and Sealed Air in the state court action are attached hereto.

Respectfully submitted,

Defendants Diversey, Inc. and Sealed Air Corporation

By: /s/ Patrick G. Donnelly

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